

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MYKING LAPRESE SMITH,

Plaintiff,

Civil Action No.  
25-CV-12026

v.

HONORABLE MARK A. GOLDSMITH

VITALCOREHS et al,

Defendants

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**OPINION AND ORDER DISMISSING COMPLAINT (Dkt. 1)**  
**AS DUPLICATIVE TO CASE # 25-11898**

Plaintiff Myking Laprese Smith, currently incarcerated at the Macomb Correctional Facility in Lenox Township, Michigan, filed a civil rights complaint (Dkt. 1) pursuant to 42 U.S.C. § 1983. Having reviewed Smith's complaint, the Court dismisses it without prejudice for being duplicative of a previously filed civil rights complaint.

In his current complaint, Smith alleges that (i) Defendants have denied him medical treatment at the Macomb Correctional Facility for numerous health problems, including chronic back pain, rashes, bleeding from the scrotum and buttocks, burning urine, a head injury suffered in a fall, and pain in the abdomen; (ii) he has been denied medications for his various health problems and a special mattress that he needs because of his back problems; (iii) he has been denied consultation with private medical doctors; (iv) Defendants have retaliated against him for filing grievances regarding the denial of his medical care by withholding medical supplies or medications; and (v) Defendants have falsified his medical records to justify the denial of medical care. Compl. at ¶¶ 38–67

Smith previously filed an identical lawsuit against the same defendants and raised the same claims, which remains pending before Judge Jonathan J.C. Grey. Service has been directed against the defendants in that case. See Smith v. Vitalcorehs, et. al., U.S.D.C. No. 25-11898 (E.D. Mich.). The Court obtained this information from the docket sheet for the United States District Court for the Eastern District of Michigan. Public records and government documents, including those available from reliable sources on the Internet, are subject to judicial notice. See Daniel v. Hagel, 17 F. Supp. 3d 680, 681, n. 1 (E.D. Mich. 2014); United States ex. rel. Dingle v. BioPort Corp., 270 F. Supp. 2d 968, 972 (W.D. Mich. 2003). A district court is permitted to take judicial notice of its own files and records in a prisoner civil rights case. See, e.g., Mangiafico v. Blumenthal, 358 F. Supp. 2d 6, 9–10 (D. Conn. 2005).

As a general rule, when duplicative lawsuits are pending in separate federal courts, “the entire action should be decided by the court in which an action was first filed.” Smith v. S.E.C., 129 F.3d 356, 361 (6th Cir. 1997). A duplicative suit is one in which the issues “have such an identity that a determination in one action leaves little or nothing to be determined in the other.” Id. The Sixth Circuit has held that a district court “has broad discretion in determining whether to dismiss litigation or abstain in order to avoid duplicative proceedings.” In re Camall Co., 16 F. App’x 403, 408 (6th Cir. 2001) (citing In Re White Motor Credit, 761 F.2d 270, 274–275 (6th Cir. 1985)).

Smith’s current civil rights complaint will be dismissed because it is duplicative of his civil rights case which remains pending before Judge Grey in Case # 25-CV-11898; both cases seek the same relief against the same parties.

IT IS ORDERED that plaintiff’s complaint is DISMISSED WITHOUT PREJUDICE FOR BEING DUPLICATIVE OF THE COMPLAINT FILED IN CASE # 25-CV-11898.

**SO ORDERED.**

Dated: July 15, 2025  
Detroit, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 15, 2025.

s/Joseph Heacox  
JOSEPH HEACOX  
Case Manager